

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MEMORANDUM AND ORDER

This matter is before the Court on a motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence by James Anthony Wilkins, a person in federal custody. On March 29, 2016, Wilkins pled guilty to the offense of Felon in Possession of a Firearm and, on June 16, 2016, this Court sentenced Wilkins to the Bureau of Prisons for a term of 57 months, a sentence within the sentencing guideline range. The Government has now conceded that the plea and sentence should be vacated and that the case should proceed anew. Specifically, the Government agrees that defendant was not apprised of all the possible consequences of the plea agreement and sentence in that he was eventually acquitted of a pending assault charge in Mississippi that was used to enhance his sentencing guideline levels in this case. As a result, the plea was not knowingly and voluntarily entered.

Accordingly, the plea and sentence are vacated, and defendant shall be remanded to the custody of U. S. Marshal's Services for further proceedings before this Court.

SO ORDERED this 2nd day of November, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE